

The Honorable Commissioner of Patents
and Trademarks

Page 5

REMARKS

In the Amendments to the Claims, filed as part of the Response to Office Action on April 21, 2006, the cancelled claims 1-24 were inadvertently omitted in the claim listing. Applicant submits herewith the correct claim listing. The Remarks, filed on April 21, 2006, are as follows:

The present application contains claims 25 to 43.

Applicant has cancelled claims 1 to 24 without prejudice or disclaimer. Applicant has provided a new set of claims 25 to 43 to better describe the present invention. The amendment to the claims is fully supported by the application as originally filed. No new matter has been introduced by way of the amendment.

35 USC 102 (b) Rejections

The Examiner has rejected claims 1 to 24 under 35 USC 102(b) as being anticipated by US Patent 6,151,315 to Ash et al., hereinafter referred to as Ash.

In response, Applicant has cancelled claims 1 to 24 without prejudice or disclaimer. Applicant has submitted new claims to better define the limitations of the present invention which is directed to pre-allocation of supplementary channels in a wireless system. Compared to the teachings of Ash, which is directed to coordination of switch fabrics, the present invention as now claimed is at least novel in the following:

1. "channel element modules in a base station" (support may be found, for example, at page 5, line 33);
 2. "channel resource pool module" (support may be found, for example, at page 7, lines 19 to 20);
 3. "pre-allocating the available resources" into "supplementary channels" (support may be found, for example, at page 5, lines 28 to 39);
 4. the pre-allocating step, the receiving step and the matching step are performed "on-board" (support may be found, for example, in Figure 3 and at page 2, lines 8 to 9);
-

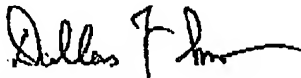
The Honorable Commissioner of Patents
and Trademarks

Page 6

Applicant respectfully submits that Ash fails to disclose each and every feature of the present invention as claimed by the amended claims, as required by 35 U.S.C. 102(b), and provides no teaching that would have suggested the desirability of modification to include such features.

Applicant respectfully requests reconsideration of this application, based on the foregoing amendments and remarks.

Respectfully Submitted,



Dallas F. Smith
Registration No. 34,074

c/o GOWLING LAFLEUR HENDERSON LLP
160 Elgin Street, Suite 2600
Ottawa, Ontario
K1P 1C3
CANADA

Telephone: (613) 233-1781
Facsimile: (613) 563-9869